

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTA CLARA, CALIFORNIA, REZONING THE
PARCELS LOCATED AT 1888 AND 1898 FAIRWAY GLEN
DRIVE, SANTA CLARA**

PLN2006-06024 (Rezone)

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,
CALIFORNIA, AS FOLLOWS:**

WHEREAS, Fred Raia and Brian Wilson, owners of 1888 and 1898 Fairway Glen Drive (APNs 097-16-041 and 042), applied for a Rezoning of the property from R1-6L (Single Family Residential) to PD (Planned Development); and

WHEREAS, the 1992 General Plan of the City of Santa Clara designates the property at 1888 and 1898 Fairway Glen Drive in the City of Santa Clara ("Project Site") as Single Family Detached Use; and

WHEREAS, the Project Site is currently zoned as R1-6L (Single Family Residential); and

WHEREAS, in order to construct two single family for-sale residences on the two existing vacant lots ("Project"), all as shown on the Development Plan, attached hereto and incorporated herein by reference as Exhibit A ("Development Plan"), the Project Site needs to be rezoned to PD(R1-6L) [Planned Development]; and

WHEREAS, Santa Clara City Code ("SCCC") Section 18.112.040 provides for the review and recommendation of the City's Planning Commission of all rezoning requests before action by the City Council; and

WHEREAS, SCCC Section 18.112.030 requires that the City Council consider rezoning of a property only after holding a public hearing; and

WHEREAS, SCCC Section 18.112.060 requires that notice of the hearing be given by posting the property in at least three (3) conspicuous places at least ten (10) days prior to the hearing date; and

WHEREAS, SCCC Section 18.112.060 further requires that notice of the hearing be given by mailing notices to property owners, as of the last assessor's roll, within three hundred (300) feet of the boundary of the property; and

WHEREAS, notices describing the proposed rezoning were sent to neighboring property owners on August 19, 2008; and

WHEREAS, notices describing the proposed rezoning were posted at the Project Site on August 19, 2008; and

WHEREAS, following a noticed public hearing on July 23, 2008, for the Project approval, the Planning Commission recommended to the City Council of the City of Santa Clara that it rezone the Project Sites to PD(R1-6L); and

WHEREAS, the Project entitlements will include this Rezoning Resolution (collectively "Entitlements"); and

WHEREAS, before considering the rezoning of the Project Site, the City Council reviewed and considered the information contained in the Planning Commission staff report and minutes; and

WHEREAS, the City Council finds that the identified Conditions of Approval, attached hereto and incorporated by reference as Exhibit B, have been incorporated and imposed on the Project, and will provide two additional housing units; and

WHEREAS, the City Council has reviewed the requested rezoning of the Project Site and conducted a public hearing.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. That the Project Sites, consisting of two lots approximately 3,972 square feet (1888 Fairway Glen Drive) and 2,158 square feet (1898 Fairway Glen Drive), are hereby rezoned from R1-6L (Single Family Residential) to PD (Planned Development).
2. Pursuant to SCCC Section 18.112.010, the City Council finds and determines that the public necessity or convenience of the general welfare require the rezonings set forth above in order to conserve property values, protect or improve the existing character and stability of the area in question, promote the orderly and beneficial development of such area, and allow imaginative planning and design concepts to be utilized which would otherwise restrict the construction of the two single family residences in the existing residential neighborhood within other zoning districts.
3. That, based on this Rezoning Resolution and the evidence in the City Staff Report and any oral or written testimony submitted at the hearing on this matter, the City Council hereby rezones the Project Site as set forth herein.
4. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

**I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA
CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____
DAY OF SEPTEMBER, 2008, BY THE FOLLOWING VOTE:**

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

**ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA**

Attachments Incorporated by Reference:

- 1. Exhibit A: Development Plan**
- 2. Exhibit B: Conditions of Approval**

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